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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
-----X  
EUGENIE BOUCHARD,  
  
PLAINTIFF,  
  
-against- Case No:  
1:15-CV-5920  
  
UNITED STATES TENNIS ASSOCIATION, INC. and  
USTA NATIONAL TENNIS CENTER, INC.,  
  
DEFENDANTS.  
-----X

DATE: November 8, 2016  
TIME: 11:06 A.M.

VIDEOTAPED DEPOSITION of the  
Plaintiff, EUGENIE BOUCHARD, taken by the  
Defendants, pursuant to a Court Order and  
to the Federal Rules of Civil Procedure,  
held at the offices of Morelli Law Firm,  
PLLC, 777 Third Avenue, 31st Floor, New  
York, New York 10017, before Scott  
Torrance, a Notary Public of the State of  
New York.

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A P P E A R A N C E S:

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-and-  
MARIANNA CODISPOTI, ESQ.  
File #: 12269.00214

ALSO PRESENT:  
RACHEL D. BOOTH, ESQ.,  
United States Tennis Association;  
  
ROBERT HORGAN, videographer  
Diamond Reporting & Legal Video

\* \* \*

1 E. BOUCHARD

2 Have you had, Ms. Bouchard, a  
3 chance to look at that exhibit?

4 A. Yes.

5 Q. Do you recall seeing that  
6 posted anywhere in the locker room during  
7 the 2015 U.S. Open, and by that I'm also  
8 including the trainers' room and/or the ice  
9 bathroom?

10 A. Yes.

11 Q. Okay. Do you recall reading  
12 that at any time? You may have seen it  
13 posted, but did you actually read it during  
14 the U.S. Open at any time?

15 A. I don't recall.

16 Q. Okay. And I may not have asked  
17 you that same question about the previous  
18 exhibit.

19 Do you recall reading that one,  
20 the one that talked about training room  
21 hours?

22 MR. MORELLI: This one?

23 MR. VIGNALI: Yes.

24 A. Reading it, I don't recall.

25 Q. Now, on the night of your

1 E. BOUCHARD

2 accident, you had played a doubles match  
3 before your accident, correct?

4 A. Correct.

5 Q. And you won the match?

6 A. Yes.

7 Q. What I would like to review  
8 with you, Ms. Bouchard, is your activities  
9 from the time your match ended to the time  
10 of your accident. Can we do that in a --  
11 in a timeline kind of fashion?

12 And just to set the predicate  
13 for you, we have -- the USTA and the  
14 National Tennis Center has produced a  
15 security video in this case that has a time  
16 thingy going with it, and I have some  
17 screen shots here. I'll share copies with  
18 your attorneys.

19 So, let me ask you: Do you  
20 recall approximately what time of the  
21 evening that doubles match ended?

22 A. I think it was about 9:45 p.m.

23 Q. Okay.

24 MR. VIGNALI: Get this one  
25 marked by the reporter.

1 E. BOUCHARD

2 Center with the entrance to the women's  
3 locker room?

4 A. Yes.

5 Q. Okay. Now, in the upper left  
6 there is a time, do you see that?

7 A. Yes.

8 Q. And it's expressed in military  
9 style 2205 with some seconds after that.  
10 Do you see that?

11 A. Yes.

12 Q. I'm not asking you to assume --  
13 strike that.

14 I'm not asking you to accept  
15 that that time is correct, but would it --  
16 does it sound correct that you went into  
17 the locker room for the first time about  
18 20 minutes after your match ended?

19 A. Yes.

20 Q. Okay. What do you recall doing  
21 between -- in -- in those 20 minutes,  
22 between 9:45 and 10:0 -- approximately  
23 10:05 in that screen shot?

24 A. I stayed on court after the  
25 match, signed autographs, did on court

1 E. BOUCHARD

2 interviews with my mixed doubles partner,  
3 and then we walked back.

4 Q. When you entered at  
5 approximately 10:05 to the locker room,  
6 where did you go?

7 A. I went to my locker.

8 Q. Do you recall where in the  
9 locker room your locker was located?

10 A. Yes.

11 MR. VIGNALI: Where did that  
12 floor plan go? Do we -- we have it?

13 MR. MORELLI: Oh, it's here.

14 Q. Ms. Bouchard, if you would look  
15 at that floor plan --

16 MR. MORELLI: You want the  
17 floor plan or the --

18 MR. VIGNALI: No, the floor  
19 plan.

20 MR. MORELLI: -- photograph?

21 MR. VIGNALI: You got it. No,  
22 the floor plan.

23 MR. MORELLI: Okay.

24 Q. Would you -- don't mark  
25 anything, just take a look, would you be

1 E. BOUCHARD

2 to so we could get the correct  
3 answer.

4 (Whereupon, the referred to  
5 portion of the record was read back  
6 by the reporter: Before you got to  
7 your locker or while at the locker,  
8 did you speak to any trainers?)

9 MR. MORELLI: That specific  
10 question, okay? So, the answer to  
11 that question is?

12 THE WITNESS: No.

13 MR. MORELLI: No, okay.

14 Q. I understand the conversation  
15 went -- came later, after you showered?

16 A. Yes.

17 Q. So, let me be -- let's be clear  
18 with each other. After you put your, I  
19 think you said the bag on the bench, took  
20 out your clothes, you went to shower,  
21 correct?

22 A. Yes.

23 Q. Came back out, did you go back  
24 to your locker?

25 A. Yes.

1 E. BOUCHARD

2 Q. Or did you stop at the  
3 bathroom -- at the mirror and did whatever  
4 women do at those things after they shower?

5 A. No.

6 MR. MORELLI: What, if  
7 anything, did you do?

8 Q. You went back straight to your  
9 locker?

10 A. Correct.

11 Q. Okay. Is that when -- I'm  
12 sorry, is that when your conversation with  
13 a trainer took place?

14 A. Yes.

15 Q. What trainer was that? Do you  
16 know?

17 A. Kristy Stahr.

18 Q. Okay. And again, that was --  
19 was that the first time you recall ever  
20 interacting with Kristy Stahr as a trainer?

21 A. Yes.

22 Q. At the 2015 U.S. Open?

23 A. Yes.

24 Q. By the way, was she also the  
25 trainer that was court side during your



1 E. BOUCHARD

2 doubles match?

3 A. I do not recall.

4 Q. Okay. So, what was the nature  
5 of that conversation with Ms. Stahr at the  
6 locker after you showered?

7 A. She asked if I needed anything  
8 from her or any of the trainers.

9 Q. Okay. Did you respond?

10 A. Yes.

11 Q. What did you tell her?

12 A. I said I have my personal  
13 massage therapist, so I don't need anything  
14 like physio or massage, but I'm going to do  
15 my cool down and press and I'll come back  
16 to use the ice bath after.

17 Q. Okay. I'm sorry, you were  
18 going to do your cool down and you said  
19 something else?

20 A. And press.

21 Q. Okay. Press meaning with the  
22 media?

23 A. Yes.

24 Q. Okay. And did she respond to  
25 that?

1 E. BOUCHARD

2 A. She said okay.

3 Q. All right. Who else, if  
4 anyone, besides you and Ms. Stahr, were in  
5 the locker room area?

6 A. I don't recall.

7 Q. Well, let me see if I could  
8 help you.

9 Were there other trainers in  
10 the general area, besides Ms. Stahr?

11 A. I know there were some trainers  
12 in the training room.

13 Q. Okay.

14 A. I didn't see them.

15 Q. Okay. So, while you're talking  
16 with Ms. Stahr, you know that there's  
17 trainers in the training room; that's a  
18 fair statement?

19 A. Yes.

20 Q. Anyone else, besides you,  
21 Ms. Stahr and the trainers, that are in the  
22 training room, in this whole area shown by  
23 the floor plan?

24 A. The locker room attendants.

25 Q. Okay. Do you recall any names

1 E. BOUCHARD

2 Q. You spent a total of 18 minutes  
3 in the locker room. Does that sound about  
4 right?

5 A. That sounds about right.

6 Q. Okay. Now, you're -- you're  
7 leaving with -- is that food in your hand?

8 A. Yes.

9 Q. Was there food available in the  
10 locker room?

11 A. Yes.

12 Q. What do you recall taking out  
13 with you? I'm not sure if it's visible in  
14 the photo.

15 A. I believe I had a banana and a  
16 plate of pasta.

17 Q. Where did you go when you left  
18 the locker room?

19 A. I went to the gym.

20 Q. I'm sorry, to the gym?

21 A. The gym.

22 Q. Okay. What was at the gym that  
23 made you want to go there?

24 A. It's my routine to do my cool  
25 down in the gym.

1 E. BOUCHARD

2 Q. Okay.

3 A. I bike and then my trainer  
4 stretches me out.

5 Q. And were you eating while you  
6 were cooling down or do you eat that food  
7 before you cool down or something else?

8 A. I do it during the process.

9 Q. Okay. And did you, in fact, go  
10 to the gym and spend some time there?

11 A. Yes.

12 Q. Okay. How far away is the gym  
13 from that locker room?

14 A. It's down the hall and then  
15 three floors up.

16 Q. Okay. Before you left, did you  
17 say anything to Ms. Stahr or anyone else as  
18 to when and if you might return?

19 A. Just what I said previously.

20 Q. About the coming back for the  
21 ice bath?

22 A. Yes.

23 Q. Was there anyone with you in  
24 the gym while you were doing your -- your  
25 cool down?

1 E. BOUCHARD

2 were going in, she's opening the door for  
3 you, but you didn't go in the locker room,  
4 did you?

5 A. No.

6 Q. Are you coming -- just to set  
7 the record straight, are you coming from  
8 the gym in the cool down?

9 A. Yes.

10 Q. Going somewhere else?

11 A. Yes.

12 Q. But not the locker room,  
13 correct?

14 A. Correct.

15 Q. Where were you going?

16 A. To the press room.

17 Q. Okay. Is the press room  
18 located further down the hall, kind of in  
19 the direction you're facing --

20 A. Yes.

21 Q. -- in that -- in those screen  
22 shots?

23 A. Yes.

24 Q. Did you give a press  
25 conference?

1 E. BOUCHARD

2 A. Yes.

3 Q. How long did that last?

4 A. About 15 to 20 minutes.

5 Q. Is it -- during that press  
6 conference, is it just you and one reporter  
7 or is it multiple reporters? How does that  
8 work or how did it work at the U.S. Open?

9 MR. MORELLI: Right.

10 A. I sit at the table at the front  
11 and it's a room full of reporters.

12 Q. And is that, in fact, what  
13 happened at the 2015 U.S. Open?

14 A. Yes.

15 Q. Okay. Is that recorded, to  
16 your knowledge?

17 A. Yes.

18 Q. And from your previous  
19 experience at the U.S. Open and these other  
20 tournaments, are those press conferences  
21 then posted somewhere, either in paper form  
22 or online or something like that?

23 A. Of course.

24 Q. Okay. After the press  
25 conference, where did you go after that?

1 E. BOUCHARD

2 A. I went to the locker room.

3 Q. For what purpose?

4 A. To do my ice bath.

5 MR. VIGNALI: B-5 and B-6, in  
6 that order.

7 (Whereupon, the aforementioned  
8 screen shot photos were marked as  
9 Defendants' Exhibits B-5 and B-6 for  
10 identification as of this date by the  
11 Reporter.)

12 MR. MORELLI: That's B-5, and  
13 that's B- 6.

14 Q. Have you had a chance,  
15 Ms. Bouchard, to look at Exhibits B-5 and  
16 B-6?

17 A. Yes.

18 Q. Is that you shown in both  
19 exhibits?

20 A. Yes.

21 Q. I'll represent to you it  
22 purports to show you coming back to the  
23 locker room and I believe it shows a locker  
24 room attendant holding a door open for you  
25 at approximately 11:10 p.m. Does that

1 E. BOUCHARD

2 sound approximately correct when you -- as  
3 to when you returned to the locker room?

4 A. Yes, it does.

5 Q. Okay. Now, at any -- by the  
6 way, when you went to the press conference  
7 and came back, did you have your cellphone  
8 with you?

9 A. Yes.

10 Q. Did you check your cellphone at  
11 all prior -- after the press conference and  
12 before 11:10, when you're entering the  
13 locker room?

14 A. No.

15 Q. At any time, did you get or had  
16 you come to learn that you got a text from  
17 any of the trainers prior to 11:10 as to  
18 their availability or nonavailability in  
19 the locker room?

20 A. I saw the next morning I got an  
21 e-mail.

22 Q. An e-mail, I'm sorry, okay.  
23 But you saw it the next morning?

24 A. Correct.

25 Q. Okay. Do you recall checking



1 E. BOUCHARD

2 for e-mails at all prior to 11:10?

3 A. No.

4 Q. Let's get a timeframe, from the  
5 start of the press conference to 11:10, did  
6 you check for e-mails at all?

7 A. No.

8 Q. Okay. So, when you entered the  
9 locker room at about 11:10, who, if anyone,  
10 was present besides you?

11 A. Where?

12 Q. In the locker room.

13 A. The locker room attendants.

14 Q. What were they doing, if  
15 anything, that comes to mind?

16 A. I think they were doing  
17 laundry.

18 Q. Okay. Can you -- usual  
19 attendant stuff, whatever the attendants  
20 do, towels, laundry, nothing out of the  
21 ordinary from what you recall; is that fair  
22 to say?

23 A. Yes.

24 Q. Okay. Were there any trainers  
25 present when you got in at 11:10?

1 E. BOUCHARD

2 A. No.

3 Q. Is that something that you  
4 realized at the time within minutes of your  
5 entry or is that something you realized  
6 later on, that there were no trainers  
7 present?

8 A. With -- after a few minutes of  
9 entering the locker room --

10 Q. Okay.

11 A. -- yes.

12 Q. Did you make any effort to find  
13 out where the trainers were after you  
14 realized they were not there?

15 A. No.

16 Q. For example, did you use your  
17 phone to call any of the trainers, text  
18 them, e-mail them or ask the attendants  
19 where they may be?

20 A. No.

21 Q. Okay. I'm assuming you went to  
22 your locker?

23 A. Yes.

24 Q. Okay. What did you do at that  
25 point when you got to the locker?

1 E. BOUCHARD

2 A. I changed into a sports bra and  
3 sports shorts.

4 Q. And was that the same locker  
5 you pointed out to before in that floor  
6 plan?

7 A. Yes.

8 Q. What did you do after you  
9 changed?

10 A. I went to the training room.

11 Q. I'm sorry, the trainers' room?

12 A. The trainers' room, yes.

13 Q. Was it your intention to stop  
14 in the trainers' room or to proceed  
15 further?

16 A. To proceed further.

17 Q. To the ice bathroom?

18 A. Yes.

19 Q. Okay. When you went from the  
20 locker room first to the trainers' room --  
21 strike that.

22 Thinking back, is there a door  
23 that separates the locker room area that's  
24 the carpeted area from the trainers' room?

25 A. Yes.

1 E. BOUCHARD

2 Q. Was that door open or closed or  
3 in some other condition?

4 A. It was wide open.

5 Q. Again, just to be clear, I'm  
6 talking about when you walked into the  
7 trainers' room on your way to the ice  
8 bathroom, your testimony is the door was  
9 wide open?

10 MR. MORELLI: She understood  
11 the question.

12 Q. Is that correct?

13 A. Yes.

14 Q. All right. And what, if  
15 anything, do you recall about the lighting  
16 in the trainers' room?

17 A. The lights in the trainers'  
18 room were off.

19 Q. Just to be clear, were they  
20 completely off, was there some dim light  
21 going on or completely off, from the best  
22 of your recollection?

23 A. I don't completely recall.  
24 There may have been dim light.

25 Q. Okay. Did you see any signs on

1 E. BOUCHARD

2 the floor along the lines of caution, wet,  
3 slippery when wet, things of that nature?

4 A. No.

5 Q. Now, you told me about the  
6 sports bra and sports shorts. What, if  
7 anything, were you wearing on your feet?

8 A. Flip-flops.

9 Q. Were you carrying anything when  
10 you went into the locker room -- when you  
11 went into the trainers' room?

12 A. Yes.

13 Q. What were you carrying?

14 A. My cellphone.

15 Q. Now, when you walked into the  
16 trainers' room -- strike that.

17 When you left your locker on  
18 your way to the trainers' room, were you  
19 reading your -- were you reading your  
20 cellphone or texting or doing anything like  
21 that?

22 A. No.

23 Q. So, as you were walking away  
24 from your locker, towards the trainers'  
25 room, where were your eyes focused?

1 E. BOUCHARD

2 A. On the trainer -- the training  
3 room --

4 Q. Okay.

5 A. -- door.

6 Q. What I'm trying to get at,  
7 Ms. Bouchard, you told me you weren't  
8 reading your cellphone.

9 Were you reading anything else,  
10 for example, a newspaper, a magazine, you  
11 know, a sign on the wall or anything like  
12 that?

13 A. No.

14 Q. Okay. Did you actually get  
15 into the trainers' room?

16 A. Yes.

17 Q. And is that where your fall  
18 took place?

19 A. Yes.

20 Q. How far into the trainers' room  
21 did you get before you -- before you fell?

22 A. I believe I took about three  
23 steps.

24 MR. VIGNALI: Ben, would you  
25 mind, the photos of the trainers'

1 E. BOUCHARD

2 fall?

3 MR. MORELLI: Let the record  
4 reflect that this does not show the  
5 door area entering the trainers'  
6 room/physio room. Yes or no?

7 Q. Does that show the area where  
8 you fell?

9 A. No.

10 Q. But you did tell me it was  
11 approximately about three steps in?

12 A. Correct.

13 Q. Okay. What happened when you  
14 got three steps in?

15 A. My feet came out in front of me  
16 and I fell back and hit my head on the  
17 floor.

18 Q. Did you at any time sense the  
19 fall before it actually happened or was it  
20 very fast and instantaneous?

21 MR. MORELLI: Objection to the  
22 form of the question.

23 Q. You may answer, Ms. Bouchard.

24 A. It happened sudden.

25 Q. Okay. Thinking back, did you

1 E. BOUCHARD

2 have any -- strike that.

3 What part -- strike that.

4 Did you hit the floor,

5 actually, did you tell me?

6 A. Yes.

7 MR. MORELLI: Objection. Can  
8 we have her answer read back, please.

9 (Whereupon, the referred to  
10 portion of the record was read back  
11 by the reporter.)

12 MR. MORELLI: Thank you, you  
13 have your answer.

14 MR. VIGNALI: I do.

15 Q. Any part of your body besides  
16 your head hit the floor?

17 A. My whole back, back side, back  
18 of my legs.

19 Q. Okay. So, just to be clear,  
20 when you say "back," you mean your upper  
21 abdomen with the back of it; is that  
22 correct?

23 A. The whole back --

24 Q. From head to toe?

25 A. Yes.



1 E. BOUCHARD

2 Q. Okay. How would you describe  
3 the impact, Ms. Bouchard, when you fell?  
4 Slight, medium, hard or something else?

5 A. The impact was very hard.

6 Q. At this time you were still  
7 carrying your phone, were you not, at the  
8 time of the fall?

9 A. Yes.

10 Q. Okay. Right hand, left hand?  
11 Do you remember?

12 A. Left hand.

13 Q. Are you right-handed, by the  
14 way, right-hand dominant?

15 A. Yes.

16 Q. Okay. Did you break your phone  
17 during the fall or as a result of the fall?

18 A. The screen cracked, yes.

19 Q. Okay. Did you ever make it to  
20 the ice bathroom?

21 A. No.

22 Q. Did you ever determine what  
23 made you fall?

24 A. Yes.

25 Q. What was it?

1 E. BOUCHARD

2 A. There was a very oily substance  
3 on the floor.

4 Q. Do you know what that substance  
5 was or is, as you sit here today?

6 A. No.

7 Q. Do you know how the substance  
8 got on the floor?

9 A. No.

10 Q. Whatever that substance was,  
11 had you ever seen it before at the National  
12 Tennis Center or experienced it before?

13 A. No.

14 Q. Do you know when that substance  
15 got on the floor?

16 A. No.

17 Q. Prior to your fall, had you  
18 seen anyone apply a substance to the floor  
19 or drop it on the floor or something else?

20 MR. MORELLI: Objection. Are  
21 we talking about that day or --

22 MR. VIGNALI: Yes.

23 MR. MORELLI: -- when?

24 Q. I'm sorry. That -- that  
25 evening, after you returned to the locker